

General Board of Health,
Whitehall, May 12, 1855.

Sir,

As the season is now approaching at which Cholera has usually made its appearance in this country, I deem it my duty to call the attention of Local Authorities in the metropolis and throughout the country to the powers at present committed to them by the Legislature for the removal of those localizing causes of disease which in former years have been found to add to the virulence of the epidemic.

I have laid before Parliament Bills for the amendment of the Sanitary Laws, and those Bills have been considered by a Select Committee of the House of Commons ; but, inasmuch as they have not yet received the sanction of the Legislature, I must direct attention to the powers given for the removal of nuisances under existing statutes.

The principal laws which relate to the removal of nuisances are :

- 1st. The Nuisances Removal and Diseases Prevention Act, 1848 and 1849.
- 2d. The Smoke Act of 1853, which is applicable to the metropolis.
- 3d. The Public Health Act, 1848.

1st. The latter part of the Nuisances Removal and Diseases Prevention Act, 1848, which is most effectual for the suppression of nuisances, is put in force only by an Order in Council during the prevalence of epidemics, and such orders are not now in force.

Proceedings for the removal of nuisances under the first-mentioned Act must therefore be taken under the first portion of the Act.

The mode of procedure is to address a short intelligible complaint of the nuisance, in writing, to any existing body having authority to make local improvements ; as the Town Council, Board or Trustees, or Commissioners for the repair, paving, lighting, cleansing, or draining of the Highways, the Highway Board, or any other similar body ; or, in default of any of them, to the Board of Guardians, who must then take proceedings under the 1st section, as follows :

The complaint must be signed by two householders, or the nuisance must be certified to the Guardians by the medical or relieving officer of the union or parish, or, if it exists in or about a common lodging-house, by a police constable, or inspector of common lodging-houses.

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On this the Local Authorities, and in default of them the Guardians, are bound, after examination into the case, or, without examination, on the written certificate of two legally qualified medical practitioners, to complain before a magistrate, who can summon the owner or occupier of the premises where the nuisance exists, before two justices (or in London before any police magistrate), and on hearing of the summons an order may be made for the removal or abatement of the cause of complaint.

If this order be not obeyed, it is the duty of the Local Authority instituting the complaint to carry the order into effect, and the costs fall on the person on whom the order was made.

As nothing in the Nuisances Removal Act is to interfere with the jurisdiction of the Commissioners of Sewers (sect. 5.), when the order is one which involves an authority from them it should require the execution of the work conformably to the regulations of those Commissioners, who have declared themselves ready to co-operate with the Local Authorities and Guardians to the utmost in carrying out the provisions of the Act.

They will furnish information at their district offices as to the state of the sewerage of particular localities.

Magistrates under the existing law have ordered the construction of works for the removal of nuisances, and have directed the execution of such small works as the covering in of open drains, the filling in of cesspools, and the formation of house-drains. They have also directed cleansing operations.

The Commissioners of Sewers have communicated to me their willingness to co-operate with Local Authorities in improvements of a sanitary nature, and their conviction that great benefit might result to the health of the public from such united action.

2d. The provision in the Smoke Act which bears upon the subject of nuisances caused by noxious trades is as follows :

“ Any person ” who “ shall carry on any trade or business which shall
 “ occasion any noxious or offensive effluvia, or otherwise annoy
 “ the neighbourhood or inhabitants, without using the best
 “ practicable means for preventing or counteracting such smoke
 “ or other annoyance, every person so offending being the
 “ owner or occupier of the premises, or being a foreman or other
 “ person employed by such owner or occupier, shall, upon a
 “ summary conviction for such offence before any justice or
 “ justices, forfeit and pay a sum not more than five pounds nor
 “ less than forty shillings, and upon a second conviction for such
 “ offence the sum of ten pounds, and for each subsequent con-
 “ viction a sum double the amount of the penalty imposed for
 “ the last preceding conviction.”

The mode of procedure is to address a complaint to the Commissioners of Police or to one of Her Majesty's Principal Secretaries of State, who alone have authority, by the 5th section, to order or direct prosecutions under this statute.

3d. Under the Public Health Act, Local Boards of Health have large powers for compelling cleansing operations and the removal of nuisances, and for constructing works and raising money by rates for such purposes.

Besides these, there are numerous Local Acts which are in force only in those districts for which they were passed: many of these Acts contain useful provisions. Lastly, a person causing a nuisance may be indicted at common law.

I do not desire to create any unnecessary alarm, but I consider it my duty to urge upon Local Authorities the necessity of being well prepared with such precautionary measures as are now within their power, in case it should please Providence to visit this country with such an infliction as the epidemic of last year, when no less than 13,943 persons fell victims in this metropolis to its influence. I desire most earnestly to impress upon Local Authorities the fact that sanitary measures can be more beneficially and more effectually taken now than in the heat of the summer, when perhaps the epidemic may have reached this country.

I have the honour to be,

Sir,

Your obedient Servant,

B. HALL.

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